UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.60
30 October 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Morocco

1. The Committee considered the initial report of Morocco (CRC/C/28/Add.1) at its 317th, 318th and 319th meetings, held on 24 and 25 September 1996 (see CRC/C/SR.317-319) and at its 343rd meeting, held on 11 October 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report, which contains information on the legal framework within which the Convention is implemented and on other measures adopted since the ratification of the Convention by Morocco. The Committee appreciates the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C/Q.Mor.1) as well as the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

B. Positive aspects

3. The Committee notes the establishment in 1993 of the Ministry for Human Rights to deal with children's rights issues. The Committee also notes the establishment in 1994, of the National Congress on the Rights of the Child which has been recently declared a permanent institution, and the creation of the post of High Commissioner for Disabled Persons in 1994. The Committee

recognizes the will of the Government to engage in a process of law reform in relation to children's issues and is encouraged by the drafting of a new Labour Code. The Committee also notes with appreciation the adoption, following the World Summit for Children, of the National Plan of Action for the Survival, Protection and Development of Children in 1992. Finally, the Committee welcomes the Government's initiative to broadcast a number of special programmes on Children's International Radio and Television Day.

C. Factors and difficulties impeding the implementation of the Convention

4. Committee notes that severe economic and social problems have had a negative impact on the situation of children. The high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary reallocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights. The Committee also notes that there are still traditional practices and customs which impede the full enjoyment of certain rights of the child.

D. Principal subjects of concern

5. The Committee is concerned about the fact that the Convention has not yet been duly published in the "Official Gazette".

6. The Committee is also concerned that insufficient measures have been taken to ensure that the principles and provisions of the Convention are widely known to children and adults.

7. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which may affect the implementation of the rights guaranteed in this article and may raise questions about the compatibility of the reservation with the object and purpose of the Convention.

8. The Committee is concerned at the insufficient coordination between various ministries, as well as between the central and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

9. Insufficient attention has been paid to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, children in rural areas, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working in the streets.

10. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly

concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially girls, children living in rural areas, children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, and children who are, in order to survive, forced to live and/or work in the streets.

11. The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

12. The Committee is also concerned at the lack of conformity with the spirit and principles of the Convention of legislative provisions with respect to the legal definition of the child. The early marriageable age, the minimum age for employment and the age of criminal responsibility are matters of concern.

13. The Committee expresses its deep concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, which hamper the enjoyment of their basic rights. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

14. In the light of article 30, the Committee is concerned at the lack of measures taken to provide school education in all the existing languages and dialects.

15. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

16. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee is, inter alia, concerned that children aged between 16 and 18 years are treated as adults and that children deprived of their liberty are not separated from adults.

E. Suggestions and recommendations

17. The Committee urgently recommends that the State party publish the Convention in the "Official Gazette".

18. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in accordance with article 42 of the Convention. The Committee wishes to encourage the State party to develop further a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention.

19. The Committee recommends that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials, social workers and judges, and that human rights and children's rights be included in their training curricula. In this respect, the Committee encourages the authorities to pursue their cooperation with the High Commissioner/Centre for Human Rights.

20. The Committee recommends that the Government of Morocco consider reviewing the reservation entered upon ratification of the Convention with a view to withdrawing it, in the spirit of the Vienna Declaration and Programme of Action adopted in June 1993, in which the World Conference on Human Rights urged States to withdraw reservations to the Convention on the Rights of the Child.

21. The Committee recommends that the State party take further steps to strengthen coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and to ensure closer cooperation with non-governmental organizations.

22. The Committee also recommends that the State party undertake to gather all necessary data and statistics on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. Efforts should be made to ensure implementation of policies and measures for the promotion and protection of the rights of the child, both at central and local levels, in cooperation with United Nations bodies and specialized agencies, including UNICEF and ILO. It is also suggested that a multidisciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

23. With respect to article 4 of the Convention, and in the light of the current difficult economic situation, the Committee emphasizes the importance of the allocation of resources to the maximum extent possible for the implementation of economic, social and cultural rights of the child at both central and local levels, in accordance with the principles of the Convention, in particular those relating to non-discrimination and the best interests of the child (arts. 2 and 3).

24. The Committee recommends that appropriate political and legislative measures be undertaken to bring legislation into conformity with the Convention and other relevant international norms. In particular, the Committee recommends the reform of the penal and labour codes. It strongly encourages the Government of Morocco to ratify ILO Convention No. 138 on the minimum age for admission to employment and for that purpose to consider seeking further technical cooperation from ILO.

25. The Committee recommends that awareness campaigns concerning the rights of the girl child be pursued in both rural and urban areas. It also urges the State to implement a comprehensive national policy to promote and protect those rights. It further recommends that in the light of articles 2 and 3 of the Convention, the marriageable age be raised and made equal for girls and boys.

26. The Committee recommends that special protective measures be implemented in relation to children living in rural areas, children who are victims of abuse, children of single parent families, children born out of wedlock, displaced, institutionalized and disabled children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children who, in order to survive, are forced to live and/or work in the streets.

27. The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.

28. The Committee recommends that the State envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of the Kingdom of Morocco consider seeking international assistance in this area of the administration of juvenile justice from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations (Vienna).

29. Finally, the Committee recommends that, in accordance with article 44, paragraph 6 of the Convention, the initial report presented by Morocco be made widely available to the public at large and that consideration be given to publication of the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.